

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Cause No: 05 – 10125 WGY

Margaret Cimini,  Plaintiff (Respondent below)  v.  Mark Cimini  Defendant (Petitioner below),  and, in re: the support and welfare of Jonathan Cimini.	<b>Motion for Clarification</b>  State court cause no.: 97D-4115-DV1
--	--

**Motion for Clarification**

I have received paperwork from the District Court regarding the Appeal, see attached sheet. Subsequent to filing the Notice of Appeal I submitted a Notice to Rescind - with the clear statement that I fully expect to be back in Federal Court once the state is formally on the record in this case depriving or not acknowledging rights (e.g., children as a property right where the state can only intrude in cases of abuse or neglect) and multiple clear violations of multiple Constitutional, Common Law, and Natural Law rights.

I also tried to state in the paperwork rescinding my request for appeal that the Federal judge failed to provide due process, misrepresented the case, and erred in dismissing the pleading for a number of reasons including but not limited to:

- The state and the Plaintiff has conspired to defraud me of property rights without “just compensation” under color of law, color of authority for the enrichment of both the state via Federal Incentive monies and Margaret Cimini via an unlawful transfer of wealth scheme property (**CLEARLY A FEDERAL ISSUE**),

- The Federal Constitution protect the right to a trial by jury in all civil disputes of property greater than twenty dollars; this right is denied in “title to the custody” disputes over children who are protected under a right of property (**CLEARLY A FEDERAL ISSUE**),
- The state is SUBORDINATE to the INDIVIDUAL by law. If the state invokes Parens Patriae as a PRIMARY DOCTRINE, then they are implementing a Fascist/Bolshevik form of government wherein it is defined that the state has the power and ownership over the people beyond the powers and enumerations in the Constitutions,
- That the state has converted a Common Law action into Equity, and
- Although multiple Constitutional rights – clearly delineated by the Supreme Court and those additional ones I cited in my Federal Pleadings – have been violated, the state refuses to provide or acknowledge the right to a remedy, see Marbury v. Madison, 1803.

Although I feel progressing through the state courts is a waste of time given:


- Biases/corruption and Unconstitutional actions in state court,
- The drive for an independent judicial revenue stream against the precepts of a Republican form of government, and
- The Bolshevik religion imposed by the court over both the Common Law and Natural Law,

the inevitable fresh batch of unlawful actions in the state court, the Federal court will not be able to remand the case back to state court with, what I am certain will be, all the noted irregularities and Constitutional violations fully documented the next time this case is presented to them.

### Summary

Therefore, I respectfully decline at this time to continue with the Federal Appeal and will accept the remand so that any future issues put before the Federal courts will clearly show the unlawful actions of state court.

Respectfully submitted,

  
Mark Cimini

VERIFICATION

I hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.


Executed at Westford, MA, this 17 day of August 2005.

  
Mark Cimini

CERTIFICATE OF SERVICE

I hereby certify that, on this 17 day of August, 2005, a true and complete copy of the foregoing petition for removal, by depositing the same in the United States mail, postage prepaid, has been duly served upon all parties of record, to-wit:

Margaret Cimini  
5 Sand Beach Road  
Westford, MA 01886

  
Mark Cimini

Mark Cimini  
12 Maple Road  
Westford, MA 01886  
(978) 692-4556

cc:  
Annapurna Balakrishna  
Assistant District Attorney  
One Ashburn Place, Room 2019  
Boston, MA 02108-1598

UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT

APPEARANCE FORM

Case No. 5-2218 Cimini v. Cimini

FAILURE TO FILL OUT COMPLETELY MAY RESULT IN THE REJECTION  
OF THIS FORM AND COULD AFFECT THE PROGRESS OF THE APPEAL

THE CLERK WILL ENTER MY APPEARANCE AS COUNSEL ON BEHALF OF:

PRO SE Litigant as the  
(Specify name of person or entity represented)

☐ appellant(s) ☐ appellee(s) ☐ amicus curiae  
☒ petitioner(s) ☐ respondent(s) ☐ intervenor(s)  
☐ I do not represent a party to the appeal.

Mark Cimini  
(signature)

(SIGN ONLY IF PARTICIPATING)

Corrections:

Status:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mark Cimini

12 Maple Rd

Westford, MA 01886

Telephone: \_\_\_\_\_

Court Of Appeals Bar Number: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: M.Cimini@att.net

Has this case or any related case previously been on appeal?

Yes \_\_\_\_\_

Court of Appeals No. \_\_\_\_\_

No ✓

[ ] IF YOU WILL NOT BE PARTICIPATING IN THIS CASE, PLEASE CHECK HERE AND RETURN, AND GIVE US THE NAME AND ADDRESS OF ANOTHER ATTORNEY, IF ANY, WHO WILL PROVIDE APPELLATE REPRESENTATION.

---

---

NOTE: Must be signed by an Attorney admitted to practice before the United States Court of Appeals for the First Circuit pursuant to Local Rule 46(a)(2). If you are applying for admission, please return this appearance form **with** your application for admission.

If your name has changed since you were admitted to the First Circuit Bar PLEASE show the name under which you were admitted.

COUNSEL MUST COMPLETE & RETURN THIS APPEARANCE FORM  
IN ORDER TO FILE PLEADINGS IN THIS COURT